

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 612

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO TOBACCO; INCREASING THE AGE FOR TOBACCO USE FROM  
EIGHTEEN TO TWENTY-ONE; PROHIBITING TOBACCO POSSESSION BY  
PERSONS UNDER TWENTY-ONE YEARS OF AGE; INCREASING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-49-2 NMSA 1978 (being Laws 1993,  
Chapter 244, Section 2) is amended to read:

"30-49-2. DEFINITION. -- As used in the Tobacco Products  
Act, "minor" means an individual who is less than ~~[eighteen]~~  
twenty-one years of age."

Section 2. Section 30-49-3 NMSA 1978 (being Laws 1993,  
Chapter 244, Section 3) is amended to read:

"30-49-3. TOBACCO--PROHIBITED SALES. --

A. ~~[No]~~ A person shall not knowingly sell, offer to  
sell, barter or give ~~[any]~~ a tobacco product to ~~[any]~~ a minor.

underscored material = new  
[bracketed material] = delete

1           B. ~~[No]~~ A minor shall not possess, receive, procure  
2 or attempt to procure [~~any~~] tobacco products for [~~his~~] the  
3 minor's own use or for use by [~~any other~~] another minor.

4           C. ~~[No]~~ A person shall not sell, offer to sell or  
5 deliver a tobacco product in a form other than an original  
6 factory-sealed package. "

7           Section 3. Section 30-49-5 NMSA 1978 (being Laws 1993,  
8 Chapter 244, Section 5) is amended to read:

9           "30-49-5. REFUSAL TO SELL TOBACCO PRODUCTS TO PERSON  
10 UNABLE TO PRODUCE IDENTITY CARD. -- [~~Any~~] A person selling goods  
11 at retail or wholesale [~~may refuse to~~] shall not sell tobacco  
12 products to [~~any~~] a person who reasonably appears to be less  
13 than thirty years of age and who is unable to produce an  
14 identity card as evidence that [~~he~~] the person is [~~eighteen~~]  
15 twenty-one years of age or over. "

16           Section 4. Section 30-49-9 NMSA 1978 (being Laws 1993,  
17 Chapter 244, Section 9) is amended to read:

18           "30-49-9. SIGNS-- POINT OF SALE. -- A person, firm,  
19 corporation, partnership or other entity engaged in the sale at  
20 retail of tobacco products shall prominently display in the  
21 place where tobacco products are sold and where a tobacco  
22 product vending machine is located a printed sign or decal that  
23 reads as follows:

24           "A PERSON LESS THAN [~~18~~] 21 YEARS OF AGE WHO PURCHASES A  
25 TOBACCO PRODUCT IS SUBJECT TO A FINE OF UP TO \$1,000.

